

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL ASSOCIATION OF HEAT AND  
FROST INSULATORS AND ASBESTOS WORKERS,  
(HFIA) AFL-CIO, LOCAL UNION NO. 50**

**and**

**Case 09–CB–239346**

**ALLOYD INSULATION CO., INC.**

**and**

**Case 25–CB–239416**

**ADVANCED ENERGY PROTECTION, LLC**

**and**

**Case 09–CB–240443**

**PEDERSEN INSULATION CO.**

**ORDER TRANSFERRING PROCEEDING TO THE BOARD  
and  
NOTICE TO SHOW CAUSE**

On September 10, 2019, the Respondent filed with the National Labor Relations Board a motion for summary judgment on the grounds that, inter alia, the General Counsel has not alleged that the Respondent disciplined four former members because of their grievance-arbitration or collective-bargaining duties on behalf of the Charging Parties. On September 24, the General Counsel filed a response contending that there are genuine issues of material fact requiring a hearing and that the Respondent's motion is an attempt to obtain pre-hearing discovery.

Under *Florida Power & Light Co. v. Electrical Workers*, 417 U.S. 790 (1974), a union's discipline of a supervisor-member violates Section 8(b)(1)(B) "*only* when an employer representative is disciplined for behavior that occurs *while he or she is engaged in 8(b)(1)(B) duties.*" *NLRB v. Electrical Workers*, 481 U.S. 573, 582 (1987) (emphasis in original). To establish a genuine issue of material fact warranting a hearing, the General Counsel must either allege that the Union acted against the supervisors at issue because of their Section

8(b)(1)(B) duties or otherwise explain why *Florida Power* and *Electrical Workers* do not preclude finding a violation here. Accordingly, having duly considered the matter,

**IT IS ORDERED** that the above-entitled proceeding be transferred to and continued before the Board in Washington, D.C., and the hearing scheduled for October 15, 2019 be postponed indefinitely.<sup>1</sup>

**NOTICE IS GIVEN** that any party seeking to show cause why the Respondent's motion should not be granted must do so in writing, filed with the Board in Washington, D.C., on or before November 4, 2019 (with affidavit of service on the parties to this proceeding). If a response to this Notice to Show Cause is filed, a party may file a reply to the response within 7 days of receipt of the response (with affidavit of service on the parties to this proceeding), but further responses will not be permitted except where there are special circumstances warranting leave to file such a response.

Dated, Washington, D.C., October 21, 2019.

By direction of the Board:

Roxanne Rothschild

Executive Secretary

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<sup>1</sup> Member Kaplan would deny the Respondent's motion for summary judgment as to the allegations concerning employees David Hines, James Petrides, and Jim Perrault. He agrees that a Notice to Show Cause should be issued with regard to the allegations concerning employee Darrell Gleadell.